



Intellectual
Property Law

William L. Kraye
Attorney at Law
1771 Helen Drive
Pittsburgh PA 15216

(412) 343 3305
fax (412) 343 5517
WKraye@Compuserve.com

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Mail Stop: Non-Fee Amendment
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August 21, 2003

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Re: 10/052,115
By: Paul Carlson & Ed Nehus
Filed: 1/17/2002

Art Unit 1614

Examiner Ostrup, Clinton T.

Sir:

This is in response to the "Notice of Non-Compliant Amendment" originally mailed August 11, 2003 and corrected by fax on August 20, 2003 (the cover sheet date of February 27, 2003 is incorrect). Applicants appreciate that the amendment filed May 16, 2003 is recognized as a bona fide reply to the Official Action. Applicants understand (a) that no extension fees are required, (b) that there is a 30-day period beginning on August 11, 2003, in which to provide a compliant amendment, and (c) that the amendment practice effective July 30, 2003 is applicable to this paper. Please inform applicants' attorney as soon as possible if these understandings are incorrect.

Applicants respectfully request consideration of the arguments and submissions previously forwarded, but much of their substance is repeated below for the convenience of Examiner.

AMENDMENTS



UNITED STATES PATENT AND TRADEMARK OFFICE



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APPLICATION NO.	FILED DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,115	01/17/2002	Paul E. Carlson		1646

7590 10/18/2003
William L. Kraye
1771 Helen Drive
Pittsburgh, PA 15216

EXAMINER

OSTRUP, CLINTON T

ART UNIT	PAPER NUMBER
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1614

DATE MAILED: 10/18/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Paper No.

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 8/21/03 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☒ 4. Amendments to the claims:
- ☒ A. A complete listing of all of the claims is not present.
 - ☒ B. The listing of claims does not include the text of all claims (including withdrawn claims)
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
 - ☒ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____

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For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officelayer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Legal Instruments Examiner (LIE)

Telephone No.